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September 19, 2007

VIA ECF

The Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street, Room 434
White Plains, New York 10601

Re: Sassone et al. v. Quartararo et al.
07 CV 4142 (MDF) (KMK)

Dear Judge Karas:

We are the attorneys for defendants Vincent Quartararo, Robert J. Reidy, Jr., Carol Dealleaume and Mahopac Central School District ("Mahopac") in this civil action. We write in connection with defendants' pending motion to dismiss the complaint in this matter, which was filed on July 27, 2007.

At a conference before Magistrate Judge Mark D. Fox, the parties set a briefing schedule in connection with defendants' motion to dismiss. As stated above, defendants' motion was filed on July 27, 2007 with plaintiffs' opposition papers to be filed on or before September 7, 2007. Rather than file the opposition papers, as agreed between the parties almost two months' before, we received the enclosed letter by facsimile from Jonathan Lovett, Esq. on behalf of plaintiffs addressed to Magistrate Judge Mark D. Fox. In his letter he stated that plaintiffs were "filing" a first amended complaint and demanding that defendants' motion to dismiss be denied as moot. I note that plaintiffs' purported first amended complaint did not accompany the September 7, 2007 letter, nor was it filed via ECF. Finally, no permission was sought by plaintiffs' counsel for leave to file an amended complaint while motion practice addressing the original complaint was pending.

To this date, plaintiffs have failed to file an amended complaint in this matter, irrespective of whether it would be a valid filing or not. Thus, plaintiffs have skirted their obligations to comply with the briefing schedule agreed to between counsel warranting dismissal of the original complaint in this matter. In addition, we would object to the filing of an amended

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complaint without plaintiffs first notifying the Court that they were seeking leave to do so.

I understand that, based upon your assignment, Your Honor will be addressing the motion practice rather than Magistrate Judge Fox. Accordingly, we ask Your Honor's guidance on how to proceed based upon the present set of circumstances.

Respectfully submitted,

SNITOW KANFER HOLTZER
& MILLUS, LLP


Paul F. Millus

Encl.

cc: Jonathan Lovett, Esq.
(via telecopier and ECF; w/encl.)
Mr. Vincent Quartararo
Mahopac School District
(w/encl.)

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September 7, 2007

VIA FAX

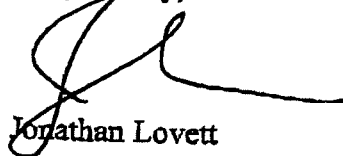
Hon. Mark D. Fox
United States Magistrate Judge
United States Courthouse
300 Quarropas Street
White Plains, N.Y. 10601

Re: Sassone v. Quartararo, 07 Civ. 4142 (MDF)

Dear Magistrate Fox:

Simultaneous with the submission of this correspondence I am filing a first amended complaint in the above-referenced action. In light of that filing I believe that the Defendants' motion to dismiss pursuant to FRCP 12(b)(6) is moot and should be dismissed.

Respectfully,



Jonathan Lovett

JL:clp

Cc: Paul F. Millus, Esq./via fax